

Thursday, July 2, 2009

Division Four

A123221 – Orlando Tolbert et al., v. John Kieran Hines.

The order is affirmed. Respondent's motion to impose sanctions upon appellants for taking a frivolous appeal is denied. (Cal. Rules of Court, rule 8.276.) Respondent, as the party prevailing on appeal, is entitled to recover costs incurred on appeal upon timely application in the trial court. (Cal. Rules of Court, rule 8.278.) Sepulveda, J., We Concur: Ruvolo, P.J., Rivera, J. (Not for Publication.)

Division Five

A122735 – Adoption of Hayden T., a minor. Elwood L., et al., v. Robert T.

The judgment (order terminating parental rights) is affirmed. No costs are awarded in this appeal. (Cal. Rules of Court, rule 8.278(a)(1), (a)(5).) Needham, J., We Concur: Simons, Acting P.J., Bruiniers, J.¹ (Not for Publication.)

Monday, July 6, 2009

Division One

A122730 – In re M.W., et al., Persons Coming Under the Juvenile Court Law. Contra Costa County Children & Family Services Bureau, v. M.M.

We reverse the juvenile court's finding that appellant's children were described by section 300, subdivision (g). We also strike the language in the petitions' subdivision (b) court stating that she was "unable to provide care for the child." In all other respects, the jurisdictional and dispositional orders are affirmed. Graham, J.² We Concur: Marchiano, P.J., Margulies, J. (Not for Publication.)

Division Four

¹ Judge of the Superior Court of Contra Costa County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

² Retired judge of the Superior Court of Marin County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

A119231 – The People, v. Joseph Cornett.

The judgment is affirmed. Ruvolo, P.J., We Concur: Sepulveda, J., Rivera, J.
(Not for Publication.)

Tuesday, July 7, 2009

Division One

A121146 – The People, v. Reuben Ralph Casillas.

The judgment is affirmed. Marchiano, J., We Concur: Margulies, J., Graham, J.³
(Not for Publication.)

³ Retired judge of the Superior Court of Marin County assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

MINUTES
CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION FOUR

Tuesday, July 7, 2009

The court convened at 9:30 a.m. in its courtroom at 350 McAllister Street, San Francisco, California. Present: Ruvolo, P.J., Reardon, J., and Sepulveda, J.; Channing Hoo, Deputy Clerk; CHP Officers Tom Lipsey and Jeff Borgen, Bailiffs.

A120657 Tammy Cabral
A121731 v.
 Edward E. Martins et al.
 Causes called. Steven G. Opperwall argued for appellant Cabral. Jerry Hauser, Kelly M. Flanagan, and Steven M. Fink argued for respondents. Causes submitted.

A122540 Classis of Central California
 v.
 Miraloma Community Church et al.
 Cause called. Randall Penner and Donald Falk argued for appellants Miraloma Community Church et al. Alan E. Friedman argued for respondent. Cause submitted.

A122622 Tam Duc Truong
 v.
 Long Nguyen et al.
 Cause called. Richard Hamm argued for appellant Truong. No appearance for respondents. Cause submitted.

At this point, the court reconstituted itself to include Ruvolo, P.J., Reardon, J., and Rivera, J.

A122047 In re S. D., a minor.
 People
 v.
 S. D.
 Cause called. Anne Mania argued for appellant S. D. Martin S. Kaye argued for respondent. Cause submitted.

At this point, the court reconstituted itself to include Ruvolo, P.J., Sepulveda, J., and Rivera, J.

A120227 In re the Marriage of James Heierle and Yupa Assawasuksant.
James Heierle
v.
Yupa Assawassuksant
Cause called. Barbara Kauffman argued for appellant Assawasuksant.
Kathleen A. McKinley argued for respondent. Cause submitted.

Court recessed at 11:26 a.m.

MINUTES
CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT, DIVISION FOUR
Tuesday, July 7, 2009

The Court convened at 2:00 p.m. in its courtroom located at 350 McAllister St., San Francisco, California. Present: Reardon, Acting P.J., Sepulveda, J., and Rivera, J.; Annie Reasoner, Deputy Clerk; CHP Officers Jeff Borgen and Tom Lipsey, Bailiffs.

A119408 People
 v.
 Steven Hicks
Cause called. Meredith Fahn argued on behalf of appellant Hicks. In the presence of Deputy Attorney General Michele Swanson, certified law student Michael Andersen argued for respondent State of California. Cause submitted.

A122710 W. Rocke Garcia, et al,
 v.
 Franchise Tax Board
Cause called. Kristian D. Whitten argued for appellant Franchise Tax Board. Stephen C. Gerrish argued for respondent Garcia. Cause submitted.

At this point, Rivera, J. left the bench and Ruvolo, P.J. joined the bench. Argument continued before Ruvolo, P.J., Reardon, J., and Sepulveda, J.

A121276 People
 v.
 Alfonso Esqueda
Cause called. Dylan Schaffer argued for appellant Esqueda. Allan Yannow argued for respondent State of California. Cause submitted.

At this point, Reardon, J. left the bench and Rivera, J. returned to the bench. Argument continued before Ruvolo, P. J., Sepulveda, J., and Rivera, J.

A118467 People
 v.
 Mario King
Cause called. Laureen Bethards argued for appellant King. Masha Dabiza argued for respondent State of California. Cause submitted.

Court was adjourned at 3:22 p.m.

Wednesday, July 8, 2009

Division One

A123002 – James Sanchez, v. Joanelle Bala et al.

The judgment is affirmed. Marchiano, P.J., We Concur: Margulies, J., Graham, J.⁴ (Not for Publication.)

Division Two

A115732 – The People, v. Thomas Bonnetta et al.

The Clerk of this court is directed to issue a remittitur to the trial court immediately upon the filing of this order. (See Cal. Rules of Court, rule 8.276(b)(2).) Richman, J., We Concur: Haerle, Acting P.J., Lambden, J. (Not for Publication.)

A121852 – The People, v. Lao Sonny Yang.

The judgment is affirmed. Haerle, J., We Concur: Kline, P.J., Lambden, J. (Not for Publication.)

⁴ Retired judge of the Superior Court of Marin County assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION THREE

Wednesday, July 8, 2009

Court convened at 9:00 a.m. in its Courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California. Present: McGuiness, P.J., Siggins, J., and Jenkins, J.; and B. Robbins, Deputy Clerk.

A121336 The People,
v.
Richard Thorn.
Cause called and argued by Gretchen Franklin, counsel for appellant, and Laurence K. Sullivan, counsel for respondent. Cause ordered submitted.

A119693 Vecane Sossikian et al.,
A119694 v.
A122487 Christopher Paul Ennis, et al.
Cause called and argued by William Jacobson, counsel for appellants Ennis et al., and Amanda L. Riddle, counsel for appellants Sossikian et al. Cause ordered submitted.

Court adjourned.

CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION ONE

Thursday, July 9, 2009

The Court convened at 9:00 a.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco. Present: Marchiano, Presiding Justice, Margulies, Justice, Graham, Judge of the Marin County Superior Court [Ret.], assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution, Fred Abad, Deputy Clerk, and CHP Officer Jeff Borgen, Bailiff.

- A121598 People,
v.
Elbert McBride.
Cause called and argued by Laureen Bethards, counsel for appellant, and Christopher Grove, counsel for respondent. Cause ordered submitted.
- A112302 Oliver Hill,
A122248 v.
A122881 San Francisco Bay Area Rapid District;
Daniel Robert Bartley.
Cause called and argued by Joseph Hearst, counsel for appellant SF Bay Area Rapid District, Daniel Bartley, appellant in propria persons, and Jean Hyams, counsel for respondent. Cause ordered submitted.
- A123113 John H. Brown,
v.
Sean Cofield.
Cause called and argued by John Brown, appellant in propria persona. No appearance by respondent. Cause ordered submitted.
- A117329 Dylan Berry,
v.
Edward Jenny, et al.
Cause called and argued by Christopher Cole, counsel for appellants, and Phillip Berry, counsel for respondent. Cause ordered submitted.

Continued

A121077 State Farm Mutual Automobile Insurance,
v.

Edward Powell.

Cause called and argued by Mark Bonino, counsel for appellant, and Michael Brown, counsel for respondent argued via teleconferencing. Cause ordered submitted.

Court recessed until 1:30 p.m.

CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION ONE

Thursday, July 9, 2009

The Court reconvened at 1:30 a.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco. Present: Marchiano, Presiding Justice, Margulies, Justice, Graham, Judge of the Marin County Superior Court [Ret.], assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution, Fred Abad, Deputy Clerk, and CHP Officer Jeff Borgen, Bailiff.

A121928 In re M. B.
Alameda County Social Services Agency,

v.

T. G.

Cause called and argued by Kathleen Morgan, counsel for appellant, and Grace Tam, counsel for respondent. Cause ordered submitted.

A123137, Wright v. Quick was called and counsel for appellant was not present. The record shows that counsel was given notice of oral argument. The case was skipped to give counsel time to arrive.

A122631 Steve Barber, et al.,

v.

Steven Gericke, et al.

Cause called and argued by Harry Lewis, counsel for appellants, and Susan Handelman, counsel for respondents. Cause ordered submitted.

A123137 Zipora Wright,

v.

Angel Quick.

Cause called. John Taylor, counsel for appellant was absent, and Kenneth Jorgensen, counsel for respondent was present but did not argue. Cause ordered submitted.

A122280 Californians for Alternative to Toxics,

v.

Department of Parks and Recreation.

Cause called and argued by Anita Ruud, counsel for appellant, and Sharon Duggan, counsel for respondent. Cause ordered submitted.

A124442 K.B.

v.

Superior Court of Sonoma County;

Sonoma County Human Services Department, et al.

Cause called and argued by Jennifer Ani, counsel for petitioner, and Elizabeth Hutton, counsel for real parties in interest. Cause ordered submitted.

Court adjourned until Friday, July 10, 2009 @ 9:00 a.m.

Thursday, July 9, 2009

Division Two

A121620 – Alva Ransford et al., v. Griffin Wheel Company, Inc.

The summary judgment is affirmed. Richman, J., We Concur: Kline, P.J., Haerle, J. (Not for Publication.)

A123313 – Adam Vue, v. Gabriel Lobos et al.

The summary judgment for defendants East Bay Mitsubishi and Gabriel Lobos is affirmed. Richman, J., We Concur: Kline, P.J., Haerle, J. (Not for Publication.)

A124317 – The People, v. Edward Dallas Gutierrez.

The judgment and sentence imposed are affirmed. Kline, P.J., We Concur: Haerle, J., Lambden, J. (Not for Publication.)

A120972 – Douglas B. Shears et al., v. Carol L. Hindley, Individually and as Successor Trustee, etc.

The judgment is reversed insofar as it holds appellant individually liable. In all other respects, including holding her liable in her representative capacity, the judgment is affirmed. Each party to bear its own costs on appeal. Kline, P.J., We Concur: Haerle, J., Lambden, J. (Not for Publication.)

Friday, July 10, 2009

Division One

A122270 – The People, v. Sonciera Bomar-Royal.

The judgment is affirmed. Marchiano, P.J., We Concur: Margulies, J., Graham, J.⁵ (Not for Publication.)

A124290 – The People, v. Michael John Kozak.

The judgment is affirmed. Marchiano, P.J., We Concur: Margulies, J., Graham, J.⁶ (Not for Publication.)

⁵ Retired judge of the Superior Court of Marin County assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Friday, July 10, 2009(Continued)

A121653 – Mike Noushfar, v. Iraj Shayesteh.

The judgment is affirmed. Marchiano, P.J., We Concur: Margulies, J., Graham, J.⁷ (Not for Publication.)

⁶ Retired judge of the Superior Court of Marin County assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

⁷ Retired judge of the Superior Court of Marin County assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION ONE
Friday, July 10, 2009

The Court convened at 9:00 a.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco. Present: Marchiano, Presiding Justice, Margulies, Justice, Graham, Judge of the Marin County Superior Court [Ret.], assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution, Raquel Arellano, Deputy Clerk, and CHP Officer Tom Lipsey, Bailiff.

- A119255 People,
v.
Jose Maria Santana.
Cause called and argued by Laureen Bethards, counsel for appellant, and Sara Turner, counsel for respondent. Cause ordered submitted.
- A122562 David Lovis,
A123485 v.
A123534 Sara B. Allman.
Cause called and argued by Sarah Allman and A. Charles Dell'Ario, counsels for appellant, and John Derrick, counsel for respondent. Cause ordered submitted.
- A119365 Susan David,
v.
Wendy Hermann.
Cause called and argued by Jewell Hargleroad, counsel for appellant, and Seth Skootsky, counsel for respondent. Cause ordered submitted.
- A120486 Eric Bachelor, et al.,
v.
John Patterson, et al.
Cause called and argued by Thomas Crowell, counsel for appellants, and Mark Dawson, counsel for respondents. Cause ordered submitted.

A121612 Kay Tokerud, et al.,
v.
City of Santa Rosa, et al.
Cause called and argued by William Brooks, counsel for appellants, and Iris
Yang, counsel for respondents. Cause ordered submitted.

Court adjourned.

Friday, July 10, 2009(Continued)

Division Two

A119501 – The People, v. Arturo Jesus Hernandez. In re Arturo Jesus Hernandez, on Habeas Corpus.

The judgment is reversed. Being moot, the petition for writ of habeas corpus is denied. Kline, P.J., I Concur: Richman, J., (See Concurring Opinion by J. Haerle). (Certified for Publication.)

Division Four

A121276 – The People, v. Alfonso Esqueda.

The judgment is affirmed. Reardon, J., We Concur: Ruvolo, P.J., Sepulveda, J. (Not for Publication.)

Division Five

A123370 – In re Veronica F., a Person Coming Under the Juvenile Court Law. Alameda County Social Services Agency, v. Vernon T.

The order terminating father's parental rights is reversed. The case is remanded to the juvenile court with directions to comply with the notice provisions of the ICWA. If, after providing notice, the court determines Veronica is an Indian child, the court shall proceed in conformity with the ICWA. If, however, after proper inquiry and notice, the court determines Veronica is not an Indian child, the order terminating father's parental rights and selecting adoption as the permanent plan shall be reinstated. (*Alice M.*, *supra*, 161 Cal.App.4th at p. 1203; *Francisco W.*, *supra*, 139 Cal.App.4th at p. 705; see also *D.B.*, *supra*, 171 Cal. App.4th at p.208.) Jones, P.J., We Concur: Simons, J., Needham, J. (Not for Publication.)

Monday, July 13, 2009

Division One

A117853 – The People, v. Tomelia Dillon.

A119292 – The People, v. Damien Danari Hall.

It is ordered that the opinion filed herein on June 16, 2009, be modified as follows: (See Order). There is no change in the judgment. Appellant Dillon's motion to augment the record is granted. Appellants Hall's and Dillon's petitions for rehearing are denied. Margulies, Acting P.J. (Certified for Partial Publication.)

A123925 – The People, v. Ricardo M. Carmona.

Monday, July 13, 2009(Continued)

The judgment is affirmed. Graham, J.⁸ We Concur: Marchiano, P.J., Margulies, J. (Not for Publication.)

Division Three

A113670, A113671 – The People, v. Napoleon Brown.

A123374 – In re Napoleon Brown on Habeas Corpus.

By The Court: On the court's own motion, rehearing is granted in the above-referenced matter. McGuiness, P.J.

Division Four

A121642, A121707 – Joe D. Turner, v. Gregory E. Schultz et al.

The judgment is affirmed. Rivera, J., We Concur: Ruvolo, P.J., Reardon, J. (Certified for Publication.)

A121337 – The People, v. Adriana Alvarado.

The judgment is affirmed. Reardon, Acting P.J., We Concur: Sepulveda, J., Rivera, J. (Not for Publication.)

Tuesday, July 14, 2009

Division One

⁸ Retired judge of the Superior Court of Marin County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

**A121928 – In re M.B., a Person Coming Under the Juvenile Court Law.
Alameda County Social Services Agency, v. T.G.**

The jurisdictional and dispositional findings and orders are affirmed. Marchiano, P.J., We Concur: Margulies, J., Graham, J.⁹ (Not for Publication.)

A120812 – The People, v. Gino Buggs.

The judgment is affirmed. Margulies, J., We Concur: Marchiano, P.J., Graham, J.¹⁰ (Not for Publication.)

Tuesday, July 14, 2009(Continued)

A123364 – The People, v. Kenneth Adrian Fuller.

After a full review of the record, we find no arguable issues and, accordingly, affirm the judgment. Graham, J.¹¹ We Concur: Marchiano, P.J., Margulies, J. (Not for Publication.)

Division Two

A124075 – In re Brandin K., a Person Coming Under the Juvenile Court Law. The People, v. Brandin K.

Accordingly, the judgment is affirmed. Lambden, J., We Concur: Kline, P.J., Richman, J. (Not for Publication.)

A122950 – The People, v. Quentin Michael Ray Lee.

Accordingly, the judgment is affirmed. Lambden., We Concur: Kline, P.J., Richman, J. (Not for Publication.)

⁹ Retired judge of the Superior Court of Marin County assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

¹⁰ Retired judge of the Superior Court of Marin County assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

¹¹ Retired judge of the Superior Court of Marin County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

MINUTES

CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION TWO

Tuesday, July 14, 2009

The Court convened at 9:30 a.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California. Present: Kline, P.J., Lambden, J., Richman, J., Officer Singh and I. Santos, Deputy Clerk.

- A123599 In re L.F., a Person Coming Under the Juvenile Court Law.
The People,
v.
L.F.
Cause called and argued by Scott Douglas Handleman, counsel for appellant, and Martin S. Kaye, Deputy Attorney General, counsel for respondent. Cause ordered submitted.
- A104663 Cynthia Jackson,
v.
Charlton Andrews.
Cause called and argued by Kim Robinson, counsel for appellant, and Robert Alex Roth, counsel for respondent. Cause ordered submitted.
- A119043 Estate of Felix Polk, Deceased.
A120366 John G. Polk, Individually and as Executor, etc.,
A120512 v.
A122311 Susan Polk.
A122220 In re Susan Polk on Habeas Corpus.
Cause called and argued by Susan Polk, in propria persona, via teleconference. No respondents were present in the courtroom. Cause ordered submitted.

Court recessed until 1:30 p.m.

MINUTES

CALIFORNIA COURT OF APPEAL FIRST APPELLATE DISTRICT DIVISION TWO

Tuesday, July 14, 2009

The Court reconvened at 1:30 p.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California. Present: Kline, P.J., Haerle, J., Lambden, J., Richman, J., Officer Singh, and I. Santos, Deputy Clerk.

At the beginning of the proceedings, Presiding Justice Kline announced that J. Lambden would be on the panel for only the first case and that J. Richman would be on the panel for the three remaining cases.

A114662 Todd Britt,
 v.
 William Cassidy.
Cause called and argued by Russell James Hanlon, counsel for appellant, and Carol Jasinski, counsel for respondent. Cause ordered submitted.

At this point of the proceedings, Justice Lambden left the bench and Justice Richman joined the bench for the remainder of the calendar.

A117122 The People,
 v.
 Darren Ray Pratcher.
Cause called and argued by Philip Brooks, counsel for appellant, and Joan Killeen, Deputy Attorney General, counsel for respondent. Cause ordered submitted.

A121665 John Delois,
 v.
 Barrett Block Partners et al.
Cause called and argued by James B. Kraus, counsel for appellant, and Julian T. Lastowski, counsel for respondent. Cause deferred; additional briefing allowed. Appellant to file a letter brief not to exceed 5 pages within 10 days; respondent to file a letter brief within 10 days thereafter. Cause to be submitted once briefing is complete.

A123028 Koorosh Kamkari,
v.
Sonic Solutions et al.
Cause called and argued by Timothy Burke, counsel for appellant, and
Carol Thompson, counsel for respondent. Cause ordered submitted.

Court Adjourned.

Tuesday, July 14, 2009(Continued)

Division Four

A123261 – John L. Wheeler et al., v. MortgageIT, Inc. et al.

The judgment is affirmed. Costs on appeal are awarded to respondents. Ruvolo, P.J., We Concur: Reardon, J., Sepulveda, J. (Not for Publication.)

A121195 – The People, v. Christopher Lee Osborne.

The trial court properly denied defendant's motion to suppress. The judgment is affirmed. Sepulveda, J., We Concur: Ruvolo, P.J., Reardon, J. (Certified for Publication.)

A123610 – In re Gavin W. et al., Persons Coming Under the Juvenile Court Law. Sonoma County Human Services Department, v. Deanna W.

The judgment terminating appellant's parental rights is affirmed. Ruvolo, P.J., We Concur: Sepulveda, J., Rivera, J. (Not for Publication.)

Division Five

A123048 – The People, v. Arthur Jean Lonefight.

The abstract of judgment is ordered corrected to reflect that the enhancement imposed is pursuant to section 12022.7, subdivision (e). The trial court shall direct delivery of the corrected abstract of the judgment to the Department of Corrections and Rehabilitation. In all other respects, the judgment is affirmed. Simons, Acting P.J., We Concur: Needham, J., Bruiniers, J.¹² (Not for Publication.)

A122927 – Kyle Fitchner, v. Fremont Automobile Dealership, LLC.

The order denying FAD's motion to compel arbitration is affirmed. Costs on appeal are awarded to Fitchner. Simons, Acting P.J., We Concur: Needham, J., Bruiniers, J.¹³ (Not for Publication.)

¹² Judge of the Contra Costa Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

¹³ Judge of the Contra Costa Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Wednesday, July 15, 2009

Division One

Wednesday, July 15, 2009(Continued)

A122223 – In re D.Y., a Person Coming Under the Juvenile Court Law. The People, v. D.Y.

Accordingly, the judgment is affirmed. Graham, J.¹⁴ We Concur: Marchiano, P.J., Margulies, J. (Not for Publication.)

A122474 – The People, v. Christopher Maguddato.

Accordingly, the judgment is affirmed. Graham, J.¹⁵ We Concur: Marchiano, P.J., Margulies, J. (Not for Publication.)

A122280 – California For Alternatives To Toxics, v. California Department of Parks and Recreation.

The judgment is affirmed. Marchiano, P.J., We Concur: Margulies, J., Graham, J.¹⁶ (Not for Publication.)

Division Four

A121087 – Christopher B. Dolan et al., v. Jacqueline Pieri et al.

The order denying cross-defendants' anti-SLAPP motion is affirmed. The cross appeal from the order denying sanctions on the anti-SLAPP motion is dismissed. Cross complainants' request for sanctions on appeal is denied. The parties shall bear their own costs incurred on the appeal and cross-appeal. Sepulveda, J., We Concur: Reardon, Acting P.J., Rivera, J. (Not for Publication.)

Division Five

¹⁴ Retired judge of the Superior Court of Marin County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

¹⁵ Retired judge of the Superior Court of Marin County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

¹⁶ Retired judge of the Superior Court of Marin County assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

A121197 – The People, v. Mark Eugene Henderson.

The judgment is affirmed. Simons, J., We Concur: Jones, P.J., Needham, J.
(Not for Publication.)

Thursday, July 16, 2009

Division One

Thursday, July 16, 2009(Continued)

**A121316 and A122041 – Anastasiya Komarova, v. National Credit
Acceptance.**

By The Court: The petition for rehearing is denied. Marchiano, P.J.

A121598 – The People, v. Elbert Lamont McBride.

Accordingly, the judgment is affirmed. Graham, J.¹⁷ We Concur: Marchiano, P.J.,
Margulies, J. (Not for Publication.)

Division Two

**A124494 – In re O.M., a Person Coming Under the Juvenile Court Law. C.W.,
v. The Superior Court of Contra Costa County, Contra Costa County Children and
Family Services Bureau, R.P.I.**

The petition for extraordinary writ is denied on the merits. The decision is final in
this court immediately. (Cal. Rules of Court, rule 8.264(b)(3).) Haerle, Acting P.J., We
Concur: Lambden, J., Richman, J. (Not for Publication.)

A120845 – John W. Elkins, v. Judith Ann Haire.

The judgment is affirmed. Haerle, Acting P.J., We Concur: Lambden, J.,
Richman, J. (Not for Publication.)

Division Three

¹⁷ Retired judge of the Superior Court of Marin County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

A119693, A119694, A122487 – Vecane Sossikian, et al., v. Christopher Paul Ennis, et al.

The amended judgment, the orders denying the motions for judgment notwithstanding the verdict and partial judgment notwithstanding the verdict, and the order awarding attorney fees to Geneva are affirmed. Plaintiffs' appeal from a post judgment order denying their motion to vacate or modify the judgment, and their separate appeal from the order denying their motion for a partial new trial, are dismissed. In A119693 and A119694, the appeals by defendants Angela G. Ennis, Timothy defendants Timothy John Ennis and Vicki Ann Le Mieux are dismissed. The parties shall bear their own costs on these appeals. McGuinness, P.J., We Concur: Siggins, J., Jenkins, J. (Not for Publication.)

Division Four

A122710 – W. Rocke Garcia et al., v. Franchise Tax Board.

Thursday, July 16, 2009(Continued)

The judgment is reversed on its award of attorney fees of \$222,000. In all other respects, the judgment is affirmed. The parties shall bear their own costs and attorney fees incurred on appeal. Sepulveda, J., We Concur: Reardon, Acting P.J., Rivera, J. (Not for Publication.)

Division Five

A122596 – In re James C., a Person Coming Under the Juvenile Court Law. The People, v. James C.

The order is affirmed. Needham, J., We Concur: Simons, Acting P.J., Bruiniers, J.¹⁸ (Not for Publication.)

A121147 – Jennifer Lin et al., v. The City of Pleasanton, Kay Ayala, R.P.I.

The judgment (order granting the petition for writ of mandate) is reversed. The matter is remanded to the trial court with directions that it enter an order denying the writ and requiring that the City either repeal Ordinance No. 1961 or submit that ordinance to the voters at an election held in accordance with section 9241. Real party in interest Ayala shall recover her ordinary costs on appeal. The order denying the special motion to strike as to counts one and two and granting the motion as to count three is affirmed. The case is remanded to the trial court for a determination of whether real party in interest Ayala is a "prevailing party" under Code of Civil Procedure section 425.16,

¹⁸ Judge of the Superior Court of Contra Costa County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

subdivision (c), and, if the court so determines, to make an award of reasonable attorney fees and costs under that statute. Needham, J., We Concur: Simons, Acting P.J., Bruiniers, J.¹⁹ (Certified for Publication.)

MINUTES
COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION FIVE

Thursday, July 16, 2009

Court convened at 9:00 a.m. in its Courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California. Present: Jones, P.J., Simons, J., Needham, Jr., J., Bruiniers, J.,* and Eric F. Cyman, Deputy Clerk.

A117181 Jonathan Kloor et al.,
A117207 v.

Leslie Kloor,

Consolidated causes called and argued by John Carmichael, counsel for appellants and cross-respondents, and by Constance Yu, counsel for respondent and cross-appellant. Causes ordered submitted.

A121607 Debbie Ramirez et al.,
v.

California Highway Patrol,

Cause called and argued by Lawrence D. Murray, counsel for appellant, and by John P. Devine, counsel for respondent. Cause ordered submitted.

¹⁹ Jude of the Superior Court of Contra Costa County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

A122252 Jeffrey A. Conrad,
v.
Montgomery-Sansome et al.,
Cause called and argued by David S. Secrest, counsel for appellant and cross-respondent,
and by Terry Anastassiou, counsel for respondents and cross-appellants. Cause ordered
submitted.

A122506 Silcor (USA) Inc.,
v.
Land Use Development,
Cause called and argued by Dae Hee Kim, counsel for appellant, and by Christopher Cole,
counsel for respondent. Cause ordered submitted.

At this point in the proceedings Justice Bruiniers left the bench and Justice Needham entered.

A122723 Franchise Tax Board,
v.
The Superior Court of the City and County of San Francisco,
Tom Gonzales,
Cause called and argued by Jeffrey Rich, counsel for petitioner, and by Martin A.
Schainbaum, counsel for real party in interest. Cause ordered submitted.

A121631 Page Mill Management et al.,
v.
City of East Palo Alto et al.,
Lidia Barrett,
Cause called and argued by Rochelle Brown, counsel for appellant, and by Christine
Griffith, counsel for respondent. Cause ordered submitted.

A122379 Valerie Sunderman Gibbons,
v.
Greg L. Gibbons,
Cause called and argued by Robert Alex Roth, counsel for appellant, and by John F. Staley,
counsel for respondent. Cause ordered submitted.

A120753 Alfred J. Antonini et al.,
v.
CMR Mortgage et al.,
Cause called and argued by Paul Richard Kleven, counsel for appellant, and by Katherine
Ikeda, counsel for respondent. Cause ordered submitted.

Court recessed until 1:30 p.m.

A121841 Franca De Paoli,
v.

Hendrick Automotive Group,

Cause called and argued by Michael R. Quirk, counsel for appellant, and by Jeffrey Michael Vucinich, counsel for respondent. Cause ordered submitted.

At this point in the proceedings Justice Jones left the bench and Justice Simons entered.

A122810 Chu Truong,

v.

Mercy Medical Center of Redding,

Cause called and argued by Gregory Thybery, counsel for appellant, and by Kelly J. Snowden, counsel for respondent. Cause ordered submitted.

Court adjourned at 2:21 p.m.

*Judge from Contra Costa County Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Friday, July 17, 2009

Division One

A124799 – L.G., v. The Superior Court of Alameda County, Alameda County Social Services Agency, R.P.I.

A124800 – H.G., v. The Superior Court of Alameda County, Alameda County Social Services Agency, R.P.I.

The petitions for extraordinary writ are denied on the merits. (See Cal. Const., art. VI, § 14; *Kowis v. Howard* (1992) 3 Cal.4th 888, 894; *Bay Development, v. Superior Court* (1990) 50 Cal.3d 1012, 1024.) The decision is final in this court immediately. Margulies, J., We Concur: Marchiano, P.J., Graham, J.²⁰ (Not for Publication.)

A119255 – The People, v. Jose Maria Santana.

The judgment is affirmed. Margulies, J., We Concur: Marchiano, P.J., Graham, J.²¹ (Not for Publication.)

A121612 – Kay Tokerud et al., v. City of Santa Rosa et al.

The judgment is affirmed. Marchiano, P.J., We Concur: Margulies, J., Graham, J.²² (Not for Publication.)

A119906 – The People, v. Craig Alvin Lemke.

The judgment is affirmed. Marchiano, P.J., We Concur: Margulies, J., Graham, J.²³ (Not for Publication.)

A120486 – Eric Bachelor et al., v. John Patterson et al.

The judgment is affirmed. Graham, J.²⁴ We Concur: Marchiano, P.J., Margulies, J. (Not for Publication.)

²⁰ Retired judge of the Superior Court of Marin County assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

²¹ Retired judge of the Marin County Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

²² Retired judge of the Superior Court of Marin County assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

²³ Retired judge of the Superior Court of Marin County assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

²⁴ Retired judge of the Superior Court of Marin County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

A123113 – Sean Cofield, v. John H. Brown.

The order is affirmed. Graham, J.²⁵ We Concur: Marchiano, P.J., Margulies, J.
(Not for Publication.)

Friday, July 17, 2009(Continued)

A123137 – Zipora Wright, v. Angel Quick.

The judgment is affirmed. Graham, J.²⁶ We Concur: Marchiano, P.J., Margulies, J.
(Not for Publication.)

Division Three

A119677 – The People, v. Henry Garcia.

A124040 – In re Henry Jesus Garcia, on Habeas Corpus.

In appeal No. A119677, we remand the matter to the trial court for the limited purpose of recalculating defendant's pre-commitment credits pursuant to section 4019. Upon recalculation of defendant's pre-commitment credits, the trial court shall prepare an amended abstract of judgment setting forth the custody credits awarded and send a certified copy of the amended abstract to the Department of Corrections and Rehabilitation. The judgment is affirmed in all other respects. In appeal No. 124040, defendant's petition for a writ of habeas corpus is granted and an order to show cause shall issue, returnable to the Contra Costa County Superior Court. Jenkins, J., We Concur: Pollak, Acting P.J., Siggins, J. (Not for Publication.)

Division Four

A120227 – In re the Marriage of J.H. and Y.A. J.H., v. Y.A.

The October 11, 2007 custody order is affirmed. Sepulveda, J., We Concur: Ruvolo, P.J., Rivera, J. (Not for Publication.)

²⁵ Retired judge of the Superior Court of Marin County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

²⁶ Retired judge of the Superior Court of Marin County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

MINUTES
COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION FIVE

Friday, July 17, 2009

Court convened at 9:00 a.m. in its Courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California. Present: Jones, P.J., Needham, Jr., J., Bruiniers, J.,* and Eric F. Cyman, Deputy Clerk.

A122515 Loreen H. Jace et al.,
 v.
 Contra Costa County et al.,
 Cause called and argued by Brian P. Evans, counsel for appellant, and by W. David Walker,
 counsel for respondent. Cause ordered submitted.

A122492 Jose Melchor et al.,
 v.
 Children's Hospital of Oakland,
 Cause called and argued by Albert Kun, counsel for appellants, and by Sonja M. Dahl,
 counsel for respondent. Cause ordered submitted.

Court adjourned at 9:30 a.m.

*Judge from Contra Costa County Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Monday, July 20, 2009

Division Two

A121094 – The People, v. Donald Phillips.

The judgment is affirmed. Richman, J., We Concur: Haerle, Acting P.J., Lambden, J. (Not for Publication.)

Division Three

A118942 – The People, v. Arnold Anthony Silva.

The judgment is affirmed. McGuiness, P.J., We Concur: Pollak, J., Jenkins, J. (Not for Publication.)

Tuesday, July 21, 2009

Division One

A122629 – Joe Abuzaid et al., v. Pier 39.

By The Court: The petition for rehearing is denied. Marchiano, P.J.

A123227 – The People, v. Christina Marie Zehnder.

The judgment is affirmed. Margulies, J., We Concur: Marchiano, P.J., Graham, J.²⁷ (Not for Publication.)

A123900 – In re Michael J., a Person Coming Under the Juvenile Court Law. The People, v. Michael J.

The jurisdictional and dispositional orders are affirmed. Graham, J.²⁸ We Concur: Marchiano, P.J., Margulies, J. (Not for Publication.)

Division Two

²⁷ Retired judge of the Superior Court of Marin County assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

²⁸ Retired judge of the Superior Court of Marin County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

A123795 – Laurie Marie Laskey, v. Intel Corporation.

The judgment is affirmed. Intel is awarded costs. Lambden, J., We Concur: Kline, P.J., Richman, J. (Not for Publication.)

Tuesday, July 21, 2009(Continued)

A123798 – Laurie Marie Laskey, v. Sun Microsystems, Inc.

The judgment is affirmed. Sun is awarded costs. Lambden, J., We Concur: Kline, P.J., Richman, J. (Not for Publication.)

A123770 – Laurie Marie Laskey, v. Fidelity Investments.

The judgment is affirmed. Fidelity is awarded costs. Lambden, J., We Concur: Kline, P.J., Richman, J. (Not for Publication.)

A123801 – Laurie Marie Laskey, v. AT&T Corporation.

The judgment is affirmed. AT&T Corp. is awarded costs. Lambden, J., We Concur: Kline, P.J., Richman, J. (Not for Publication.)

A123796 – Laurie Marie Laskey, v. AT&T, Inc.

The judgment is affirmed. AT&T, Inc. is awarded costs. Lambden, J., We Concur: Kline, P.J., Richman, J. (Not for Publication.)

A123797 – Laurie Marie Laskey, v. Corning Cable Systems, LLC.

The judgment is affirmed. Corning is awarded costs. Lambden, J., We Concur: Kline, P.J., Richman, J. (Not for Publication.)

A123791 – Laurie Marie Laskey, v. Shiloh Group, LLC.

Laskey is not appealing from an appealable order, and we hereby dismiss this appeal. Lambden, J., We Concur: Kline, P.J., Richman, J. (Not for Publication.)

A122496 – Stephen S. Slauson, v. Alameda Power & Telecom.

The order is affirmed. Costs on appeal are awarded to respondent. Haerle, J., We Concur: Kline, P.J., Richman, J. (Not for Publication.)

**A123712 – In re Sosaia A., a Person Coming Under the Juvenile Court Law.
The People, v. Sosaia A.**

The dispositional order is affirmed. Richman, J., We Concur: Kline, P.J., Haerle, J.
(Not for Publication.)

Division Three

A113670, A113671 – The People, v. Napoleon Brown.

A123374 – In re Napoleon Brown on Habeas Corpus.

The judgment and the order granting a new trial are affirmed. The petition for writ of habeas corpus is denied. Pollak, J., We Concur: McGuiness, P.J., Jenkins, J. (Not for Publication.)

Tuesday, July 21, 2009(Continued)

Division Four

A122664 – In re Dylan A., a Person Coming Under the Juvenile Court Law. The People, v. Dylan A.

The juvenile court's order is affirmed. Reardon, J., We Concur: Ruvolo, P.J., Rivera, J. (Not for Publication.)

MINUTES
CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION FOUR

Tuesday, July 21, 2009

The court convened at 9:30 a.m. in its courtroom at 350 McAllister Street, San Francisco, California. Present: Ruvolo, P.J., Reardon, J., and Sepulveda, J.; Annie Reasoner, Deputy Clerk; CHP Officer Ricky Franklin, Bailiff.

A113655 People
 v.
 Rico Lopez, et al
Cause called. Victor J. Morse argued for appellant Lopez. John Deist argued for respondent People of the State of California. Cause submitted.

A121301 Linda U. McKinley
 v.
 San Francisco Bay Area Rapid Transit District, et al
Cause called. Kathleen Rae Panek argued for appellant McKinley. Debra Sturmer argued for respondent San Francisco Bay Area Rapid Transit District. Cause submitted.

A122307 A. Mena
 v.
 Albertsons, LLC
Cause called. Steven Blackburn argued for appellant Albertsons, LLC. Ellen Lake argued for respondent Mena. Cause submitted.

At this point, Reardon, J. left the bench and Rivera, J. joined the bench. Argument continued before Ruvolo, P.J., Sepulveda, J., and Rivera, J.

A119401 People
 v.
 Andre Stevens
Cause called. Stephen Bedrick argued for appellant Stevens. Christopher Wei argued for respondent People of the State of California. Cause submitted.

A119173 RMC Pacific Materials, Inc.

v.

Metropolitan Stevedore Company, Inc.

Cause called. Karen Bray argued for appellant Metropolitan Stevedore Company, Inc. Robert J. Romero argued for respondent RMC Pacific Materials, Inc.

Court was recessed for the morning at 11:05 a.m.

MINUTES
CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION FOUR
Tuesday, July 21, 2009

The Court reconvened at 1:30 p.m. in its courtroom located at 350 McAllister St., San Francisco, California. Present: Ruvolo, P. J., Reardon, J., and Rivera, J.; Channing Hoo, Deputy Clerk; CHP Officer James Militar, Bailiff.

A122849 Richard F. Holmes
 v.
 City of Lafayette
Cause called. Samuel L. Holmes argued for appellant Richard F. Holmes. Gene Tanaka argued for respondent. Cause submitted.

At this point, the court reconstituted itself to include Ruvolo, P. J., Reardon, J., and Sepulveda, J.

A122637 People
 v.
 Rafael Favis Luna
Cause called. Frank McCabe argued for appellant Luna. Masha Dabiza argued for respondent. Cause submitted.

At this point, the court reconstituted itself to include Reardon, Acting P. J., Sepulveda, J., and Rivera, J.

A122600 People
 v.
 J. J.
Cause called. Alex Coolman argued for appellant J. J. Jeffrey Bryant argued for respondent. Cause submitted.

A123424 In re Charles W. Lewis on Habeas Corpus
Cause called. Michael Satris argued for petitioner Lewis. Amanda Murray argued for respondent. Cause submitted.

A122458 Madonna Meadors et al.
 v.
 Laci Le Beau Corporation et al.

Cause called. Christopher E. Grell argued for appellants Meadors et al. Dennis Rodgers and Donald W. Carlson argued for respondents. Cause submitted.

A123079 Regina Harkness

v.

Edwin Larrieu

Cause called. In pro per appellant Edwin Larrieu argued. In pro per Regina Harkness did not appear. Cause submitted.

A122958 Gholamali Roshandell

v.

Sears, Roebuck & Co. et al.

Cause called. In pro per appellant Gholamali Roshandell argued. Erica Kelley argued for respondents. Cause submitted.

Court adjourned at 3:47 p.m.

Tuesday, July 21, 2009(Continued)

Division Five

A123597 – In re D.W., a Person Coming Under the Juvenile Court Law. The People, v. D.W.

The judgment is affirmed. Needham, J., We Concur: Jones, P.J., Simons, J. (Not for Publication.)

A122379 – In re the Marriage of Greg L. and Valerie Sunderman Gibbons.

The orders of May 19, 2008, and June 17, 2008, are affirmed. Jones, P.J., We Concur: Simons, J., Needham, J. (Not for Publication.)

A122983, A123435 – In re Angel H., a Person Coming Under the Juvenile Court Law. Alameda County Social Services Agency, v. A.H.

The orders are affirmed. Needham, J., We Concur: Simons, Acting P.J., Bruiniers, J.²⁹ (Not for Publication.)

A122815 – In re T.R. et al., Persons Coming Under the Juvenile Court Law. San Mateo County Human Services Agency, v. Deanna R.

The orders are affirmed. Simons, J., We Concur: Jones, P.J., Bruiniers, J.³⁰ (Not for Publication.)

A122506 – Silcor (USA), Inc., v. Land Use Development Corporation et al.

The judgment is affirmed. Jones, P.J., We Concur: Simons, J., Bruiniers, J.³¹ (Not for Publication.)

A120753 – Alfred J. Antonini et al., v. CMR Mortgage et al.

The judgment and award of attorney fees is affirmed. Jones, P.J., We Concur: Simons, J., Needham, J. (Not for Publication.)

²⁹ Judge of the Superior Court of Contra Costa County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

³⁰ Judge of the Contra Costa Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

³¹ Judge of the Superior Court of Contra Costa County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Wednesday, July 22, 2009

Division Two

Wednesday, July 22, 2009(Continued)

A121600 – The People, v. Ronna Ronnelle Meyer.

The judgment of conviction is affirmed. Richman, J., We Concur: Kline, P.J., Haerle, J. (Not for Publication.)

**A120953 – In re Vincent D., a Person Coming Under the Juvenile Court Law.
The People, v. Vincent D.**

The juvenile court's orders are affirmed. Lambden, J., We Concur: Kline, P.J., Richman, J. (Not for Publication.)

A122787 – The People, v. Van Flores.

The judgment is affirmed. Haerle, Acting P.J., We Concur: Lambden, J., Richman, J. (Not for Publication.)

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION THREE

Wednesday, July 22, 2009

Court convened at 9:00 a.m. in its Courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California. Present: McGuiness, P.J., Siggins, J., and Jenkins, J.; and F. Castuera, Deputy Clerk.

A120091 The People,
v.
Brett Leonard Moore.
Cause called and argued by Tara Mulay, counsel for appellant, and Eric Share, counsel for respondent. Cause ordered submitted.

A121579 Paul Southwick,
v.
Margurite Crownover et al.
Cause called and argued by appellant Paul Southwick, appearing In Pro Per, and Sharon Quinn, counsel for respondent Sonoma Department of Child and Support Services , appearing via teleconference. Cause ordered submitted.

At this point in the proceedings, Siggins, J. left the bench and Pollak, J. joined the bench.

A123315 Gina Harpel et al.,
v.
Chris Spina et al.
Cause called and argued by Charles Kinney, counsel for appellant, and Janine Ogando, counsel for respondent. Cause ordered submitted.

A122125 Edward Salsedo,
v.
California Dept. of Parks & Recreation et al.
Cause called and argued by Anita Ruud, counsel for appellant, and Kelly Walsh, counsel for respondent. Mr. Walsh appeared via teleconference. Cause ordered submitted.

At this point in the proceedings, Jenkins, J. left the bench and Siggins, J.

rejoined the bench.

CONTINUED

- A121052 In re the Marriage of Laura Lilyquest and Pietro Dova.
A121716 Laura Lilyquist,
v.
Pietro Dova.
Cause called and argued by Robert Roth, counsel for appellant, and Diana Richmond, counsel for respondent. Cause ordered submitted.
- A122843 The People,
v.
Carmella Helming.
Cause called and argued by Angela Lyddan, counsel for appellant, and Jeremy Price, counsel for respondent. Cause ordered submitted.
- At this point in the proceedings, McGuiness, P.J. left the bench and Jenkins, J. rejoined the bench. Pollak, J presided the remaining cases.
- A122623 Benjamin Weill and Mazer,
v.
Paul Copansky.
Cause called and argued by appellant Paul Copansky, appearing In Pro Per, and Kenneth Schnur, counsel for respondent. Cause ordered submitted.
- A121525 Carin Salter et al.
v.
Glenn Lerner
Cause called and argued by Jon Eisenberg, counsel for appellant, and Keith Bartel, counsel for respondent. Cause ordered submitted.

ADJOURNED

Wednesday, July 22, 2009(Continued)

Division Four

A124651 – B.R., v. The Superior Court of San Francisco County, San Francisco Human Services Agency, R.P.I.

The petition is denied on the merits. (§ 366.26, subd. (1)(1)(C); Cal. Rules of Court, rule 8.452(i)(1); *In re Julie S.* (1996) 48 Cal.App.4th 988, 990-991.) Our decision is final immediately in the interests of justice. The request for a stay of the August 5, 2009, hearing is denied. Rivera, J., We Concur: Ruvolo, P.J., Sepulveda, J. (Not for Publication.)

A123250 – The People, v. Oscar Jose Perez.

Judgment affirmed. Reardon, J., We Concur: Ruvolo, P.J., Rivera, J. (Not for Publication.)

A122029 – The People, v. Robert Anthony Cook.

The judgment is affirmed. Ruvolo, P.J., We Concur: Reardon, J., Sepulveda, J. (Not for Publication.)

A122713 – Mark Eugene Blackwood, v. Nancy Wilcox et al.

The judgment is affirmed. Costs on appeal are awarded to respondents. Ruvolo, P.J., We Concur: Reardon, J., Sepulveda, J. (Not for Publication.)

Division Five

A122492 – Jose Melchor et al., v. Children's Hospital of Oakland et al.

The judgment is affirmed. Costs on appeal are awarded to respondents. Needham, J., We Concur: Jones, P.J., Bruiniers, J.³² (Not for Publication.)

Thursday, July 23, 2009

Division Three

³² Judge of the Superior Court of Contra Costa County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

A122771 – Charles Campbell et al., v. Steven Lopez.

By The Court: The petition for rehearing is denied. McGuiness, P.J.

A121047 – Mario Oropeza, v. Law Offices of Sandford M. Cipinko.

Thursday, July 23, 2009(Continued)

By The Court: The petition for rehearing is denied. McGuiness, P.J.

A123887 – In re N.H. et al., Persons Coming Under the Juvenile Court Law. Humboldt County Department of Health & Human Services, v. James H.

The appeal is dismissed. Pollak, Acting P.J., We Concur: Siggins, J., Jenkins, J. (Not for Publication.)

A124208 – In re M.S., a Person Coming Under the Juvenile Court Law. The People, v. M.S.

The orders are affirmed. Pollak, Acting P.J., We Concur: Siggins, J., Jenkins, J. (Not for Publication.)

Division Four

A122896 – Conservatorship of the Person and Estate of Roy Whitley. North Bay Regional Center, v. Virginia Maldonado. The judgment is affirmed. Each party is to bear its own costs on appeal. Ruvolo, P.J., We Concur: Reardon, J., Rivera, J. (Not for Publication.)

A121301 – Linda U. McKinley, v. San Francisco Bay Area Rapid Transit District.

The judgment is affirmed. Reardon, J., We Concur: Ruvolo, P.J., Sepulveda, J. (Not for Publication.)

Friday, July 24, 2009

Division One

A122562, A123485 – David M. Lovis, v. Sara B. Allman.

A123534 – David M. Lovis, v. Steven A. Nielsen. In No. A122562.

In No. A122562, the appeal is dismissed. The parties shall bear their own costs and attorney fees on appeal. In Nos. A123485 and A123534, the orders denying defendants' special motions to strike are affirmed. The parties shall bear their own costs and attorney fees on appeal. Marchiano, P.J., We Concur: Margulies, J., Graham, J.³³ (Not for Publication.)

Friday, July 24, 2009(Continued)

A124442 – K.B., v. Sonoma County Superior Court, Sonoma County Human Services Department et al., R.P.I.

The request for stay is denied and the petition for extraordinary writ is denied on the merits. (See Cal. Const., art. VI, § 14; *Kowis v. Howard* (1992) 3 Cal.4th 888, 894; *Bay Development, Ltd. V. Superior Court* (1990) 50 Cal.3d 1012, 1024.) The decision is final in this court immediately. Marchiano, P.J., We Concur: Margulies, J., Graham, J.³⁴ (Not for Publication.)

Division Three

A121052, A121716 – In re the Marriage of Laura Lilyquist and Pietro Dova. Laura Lilyquist, v. Pietro Dova.

The award of child support is corrected to reflect a monthly amount of \$9,283 instead of \$8,913. As modified, the trial court's orders are affirmed. Siggins, J., We Concur: McGuiness, P.J., Pollak, J. (Not for Publication.)

A122773 – The People, v. John Bandala Fashho.

The judgment is affirmed. Siggins, J., We Concur: McGuiness, P.J., Jenkins, J. (Not for Publication.)

Division Four

A120964 – Michael Menaster, v. California Department of Social Services.

The judgment is affirmed. Menaster is entitled to his costs on appeal. Rivera, J., We Concur: Ruvolo, P.J., Reardon, J. (Not for Publication.)

³³ Retired judge of the Superior Court of Marin County assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

³⁴ Retired judge of the Superior Court of Marin County assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

A122872 – In re the Marriage of Susan Shonfeld and Trevor Shonfeld. Susan Shonfeld, v. Trevor Shonfeld.

Inasmuch as the July 18, 2008 enforcement order is not appealable, the appeal is dismissed.³⁵ Ruvolo, P.J., We Concur: Sepulveda, J., Rivera, J. (Not for Publication.)

A120983 – The People, v. Johnny C. Thomas.

The judgment is affirmed. Sepulveda, J., We Concur: Reardon, Acting P.J., Rivera, J. (Not for Publication.)

Friday, July 24, 2009(Continued)

Division Five

A122709 – Ramzy Ayyad et al., v. Sprint Spectrum, L.P. et al.

The June 24, 2008 order denying in part Sprint's supplemental motion to seal portions of the trial transcript and certain exhibits is affirmed. Sprint shall pay plaintiffs' costs on appeal. Bruiniers, J.³⁶ We Concur: Jones, P.J., Needham, J. (Not for Publication.)

Monday, July 27, 2009

Division One

A121907 – The People, v. Ronell Lee Isaac.

The judgment is affirmed. Graham, J.³⁷ We Concur: Marchiano, P.J., Margulies, J. (Not for Publication.)

Division Two

³⁵ Respondent filed a motion to dismiss the appeal. We deferred ruling until the time of decision and now grant the motion to dismiss.

³⁶ Judge of the Contra Costa County Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

³⁷ Retired judge of the Superior Court of Marin County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

A104663 – Kim M. Robinson, v. Charlton A. et al.

The award of sanctions in the amount of \$15,030 against Robinson is reaffirmed and Robinson's request for restitution is denied. No other sanctions are awarded against either party. The parties are to bear their own costs of the remand. Lambden, J., We Concur: Kline, P.J., Richman, J. (Not for Publication.)

Division Four

A123424 – In re Charles W. Lewis, on Habeas Corpus.

The Board's decision is reversed. The matter is remanded to the Board for reconsideration in light of *Lawrence, Shaputis*, and this decision within 60 days of the finality of this decision. Sepulveda, J., We Concur: Reardon, Acting P.J., Rivera, J. (Not for Publication.)

A124803 – In re T.H., a Person Coming Under the Juvenile Court Law. The People, v. T.H.

Monday, July 27, 2009(Continued)

The disposition order is reversed and the cause is remanded for an express declaration under Welfare and Institutions Code section 702 and *Manzy W., supra* 14 Cal.4th 1199. Reardon, Acting P.J., We Concur: Sepulveda, J., Rivera, J. (Not for Publication.)

Tuesday, July 28, 2009

Division Two

A122198 – The People, v. Gary Lamar Brown.

The judgment is affirmed. Haerle, Acting P.J., We Concur: Lambden, J., Richman, J. (Not for Publication.)

A118855 – The People, v. Vernon Brown.

The judgment is affirmed, and the request for a new trial on the prior conviction allegations is denied. Richman, J., We Concur: Haerle, Acting P.J., Lambden, J. (Not for Publication.)

Division Three

A121525 – Carin Salter et al., v. Glenn Lerner.

The judgment is affirmed. Respondents shall recover their costs on appeal. Pollak, Acting P.J., We Concur: Siggins, J., Jenkins, J. (Not for Publication.)

A122838 – In re the Marriage of Jeffrey Cheek and Hajnalka T. Cheek. Jeffrey Cheek, v. Hajnalka T. Cheek, Contra Costa County Department of Child Support Services, Intervener and Respondent.

The order filed July 14, 2008 is affirmed. Jenkins, J., We Concur: McGuinness, P.J., Siggins, J. (Not for Publication.)

A122623 – Benjamin, Weill & Mazer, v. Paul Copansky.

The appeal from the judgment is dismissed. The order denying the motion to void the judgment is affirmed. Respondent shall recover its costs on appeal. Pollak, Acting P.J., We Concur: Siggins, J., Jenkins, J. (Not for Publication.)

Division Four

A122622 – Tam Duc Truong, v. Suong Mai Nguyen.

Tuesday, July 28, 2009(Continued)

The judgment and order denying appellant leave to file an amended complaint are affirmed. Costs on appeal are awarded to respondent. Ruvolo, P.J., We Concur: Reardon, J., Sepulveda, J. (Not for Publication.)

Division Five

A121303 – The People, v. James Jarold Cariglio.

The judgment is affirmed. Simons, J., We Concur: Jones, P.J., Needham, J. (Not for Publication.)

A121809 – Timothy J. Owen, v. Stephen P. Sands, as Registrar of Contractors, etc.

The judgment is affirmed. Owen shall pay the Registrar's costs on appeal.
Bruiniers, J.³⁸ We Concur: Simons, Acting P.J., Needham, J. (Not for Publication.)

A123332 – In re J.J., a Person Coming Under the Juvenile Court Law. The People, v. Kim W.

The order is affirmed. Jones, P.J., We Concur: Simons, J., Needham, J. (Not for Publication.)

A122384 – The People, v. Christina Zeigler.

There are no arguable issues. The judgment is affirmed. Simons, Acting P.J., We Concur: Needham, J., Bruiniers, J.³⁹ (Not for Publication.)

A122417 – The People, v. Bradley Wade Martin.

The judgment is affirmed. Simons, J., We Concur: Jones, P.J., Bruiniers, J.⁴⁰ (Not for Publication.)

A121031 – The People, v. Antoine LaJohn Harris.

The abstract of judgment is ordered corrected to reflect that defendant's conviction of evading a peace officer by reckless driving is imposed pursuant to Vehicle Code section 2800.2, subdivision (a). The trial court shall direct delivery of the corrected abstract of judgment to the California Department of Corrections and Rehabilitation. In all other respects, the judgment is affirmed. Simons, J., We Concur: Jones, P.J., Needham, J. (Not for Publication.)

Tuesday, July 28, 2009(Continued)

A123179 – The People, v. Jose Chile.

The judgment is affirmed. Needham, J., We Concur: Jones, P.J., Bruiniers, J.⁴¹ (Not for Publication.)

A122810 – Chu Truong, v. Mercy Medical Center of Redding.

The judgment is affirmed. Needham, J., We Concur: Simons, Acting P.J., Bruiniers, J.⁴² (Not for Publication.)

³⁸ Judge of the Contra Costa County Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

³⁹ Judge of the Contra Costa Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

⁴⁰ Judge of the Contra Costa Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

⁴¹ Judge of the Superior Court of Contra Costa County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Wednesday, July 29, 2009

Division One

A121077 – State Farm Mutual Automobile Insurance Company, v. Edward Powell.

Accordingly, the case is remanded for correction of the orders and records of the trial court so there remains no suggestion that judgment is awarded against Mr. Wong in this matter. In all other respects the judgment is affirmed. Costs on appeal are awarded only against plaintiff State Farm to defendant Powell.⁴³ Graham, J.⁴⁴ We Concur: Marchiano, P.J., Margulies, J. (Not for Publication.)

A122631 – Steve Barber et al., v. Steven Gericke et al.

The judgment is affirmed. Marchiano, P.J., We Concur: Margulies, J., Graham, J.⁴⁵ (Not for Publication.)

A122495 – In re the Marriage of Gwendolyn and Adeyinka Adeyemi. Gwendolyn Adeyemi, v. Adeyinka A. Adeyemi.

The judgment of the trial court is affirmed. Margulies, J., We Concur: Marchiano, P.J., Graham, J.⁴⁶ (Not for Publication.)

Wednesday, July 29, 2009(Continued)

A117329 – Dylan Berry, as Trustee, etc., v. William Taggart, Jr., et al.

The order denying Taggart's motion to strike under Code of Civil Procedure section 425.16 is affirmed. Margulies, J., We Concur: Marchiano, P.J., Graham, J.⁴⁷ (Not for Publication.)

⁴² Judge of the Superior Court of Contra Costa County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

⁴³ In light of our conclusion we need not proceed to the merits of the declaratory relief pleading to resolve plaintiff's claims that it properly accepted defendant's settlement within a reasonable time and did not breach the implied covenant of fair dealing. We express no views on those issues.

⁴⁴ Retired judge of the Superior Court of Marin County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

⁴⁵ Retired judge of the Superior Court of Marin County assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

⁴⁶ Retired judge of the Marin County Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

⁴⁷ Retired judge of the Superior Court of Marin County assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Division Two

A123170 – In re JADA L., a Person Coming Under the Juvenile Court Law. San Francisco County Human Services Agency, v. D.L.

The judgment is affirmed. Richman, J., We Concur: Kline, P.J., Lambden, J. (Not for Publication.)

A121532 – The People, v. Lawrence Dossman.

The order revoking probation is affirmed. Haerle, Acting P.J., We Concur: Lambden, J., Richman, J. (Not for Publication.)

A122295 – The People, v. Christopher Lester Hollis.

The judgment of conviction is affirmed. Richman, J., We Concur: Haerle, Acting P.J., Lambden, J. (Not for Publication.)

Division Three

A122125 – Edward Salsedo, v. California Department of Parks and Recreation.

The preliminary injunction order, entered on June 10, 2008, is affirmed. Pollak, J., We Concur: McGuinness, P.J., Jenkins, J. (Certified for Publication.)

A122636 – The People, v. Vanessa Deborah Marchi.

The judgment is affirmed. Pollak, J., We Concur: McGuinness, P.J., Jenkins, J. (Not for Publication.)

Division Four

A119408 – The People, v. Steven Anthony Hicks.

A125401 – In re Steven Anthony Hicks on Habeas Corpus.

The judgment is affirmed and the petition for writ of habeas corpus is denied. Reardon, Acting P.J., We Concur: Sepulveda, J., Rivera, J. (Not for Publication.)

Wednesday, July 29, 2009(Continued)

Division Five

A122515 – Loreen H. Jace et al., v. Contra Costa County et al.

The judgment is affirmed. Needham, J., We Concur: Jones, P.J., Bruiniers, J.⁴⁸
(Not for Publication.)

A121841 – Franca De Paoli, v. Hendrick Automotive Group.

The judgment is vacated and the order granting Hendrick's summary judgment motion is reversed. Costs on appeal are awarded to appellant. Needham, J., We Concur: Jones, P.J., Bruiniers, J.⁴⁹ (Not for Publication.)

Thursday, July 30, 2009

Division One

A123813 – The People, v. William Joseph Hauff.

The judgment is affirmed. Marchiano, P.J., We Concur: Margulies, J., Graham, J.⁵⁰
(Not for Publication.)

Division Two

A122884 – Rustic Retirement, v. State Water Resources Control Board, et al.

The fee award is reversed. Costs on appeal are awarded to appellants. Haerle, J., We Concur: Kline, P.J., Lambden, J. (Not for Publication.)

A117122 – The People, v. Darren Ray Pratcher.

The judgment is affirmed. Kline, P.J., We Concur: Haerle, J., Richman, J. (Not for Publication.)

**A123135 – In re the Marriage of Johnny F. Pitts and Deanna L. Braden.
Johnny F. Pitts, v. Deanna L. Braden.**

⁴⁸ Judge of the Superior Court of Contra Costa County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

⁴⁹ Judge of the Superior Court of Contra Costa County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

⁵⁰ Retired judge of the Superior Court of Marin County assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

The judgment is affirmed. Braden shall recover her costs on appeal. McGuiness, P.J., We Concur: Pollak, J., Jenkins, J. (Not for Publication.)
Thursday, July 30, 2009(Continued)

Division Three

A123465 – In re A.W., a Person Coming Under the Juvenile Court Law. Contra Costa County Department of Social Services, v. A.W. et al.

The order denying father's section 388 petition and terminating parental rights is affirmed. Pollak, J., We Concur: McGuiness, P.J., Jenkins, J. (Not for Publication.)

Division Four

A120667 – Coachella Valley Unified School District et al., v. State of California et al.

The judgment is affirmed. Reardon, J., I Concur: Ruvolo, P.J., (See Concurring Conclusion by Rivera, J.). (Certified for Publication.)

Friday, July 31, 2009

Division One

A124145 – The People, v. Alicia Kathleen Martinez.

The judgment is affirmed. Margulies, J., We Concur: Marchiano, P.J., Graham, J.⁵¹ (Not for Publication.)

A121745 – The People, v. Michael Shea.

The judgment is affirmed. Marchiano, P.J., We Concur: Margulies, J., Graham, J.⁵² (Not for Publication.)

A120419 – The People, v. Jill Bloomquist.

The judgment of the trial court is affirmed. Margulies, J., We Concur: Marchiano, P.J., Graham, J.⁵³ (Not for Publication.)

⁵¹ Retired judge of the Superior Court of Marin County assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

⁵² Retired judge of the Superior Court of Marin County assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Division Three

Friday, July 31, 2009(Continued)

A121673 – Vicente Fuentes, v. Rent-A-Center, Inc., et al.

The trial court's order denying appellants' motion to compel arbitration and stay proceedings is affirmed. Jenkins, J., We Concur: McGuiness, P.J., Siggins, J. (Not for Publication.)

A122127 – The People, v. John Scott Savage.

The judgment is affirmed. McGuiness, P.J., We Concur: Pollak, J., Jenkins, J. (Not for Publication.)

A121579 – Paul J. Southwick, v. Marguerite A. Crownover, Sonoma County Department of Child Support Services.

The trial court's order to deny Southwick's application to set aside portions of the 1992 judgment is affirmed. Jenkins, J., We Concur: McGuiness, P.J., Siggins, J. (Not for Publication.)

A121336 – The People, v. Richard Thorn.

We have concluded that the carport area at issue here is protected by the burglary statutes under both the "functionally-interconnected-with-and-immediately-contiguous-to" test the "reasonable belief" test. In addition, we discern no error in the jury instructions. Accordingly, the judgment is affirmed. Jenkins, J., We Concur: McGuiness, P.J., Siggins, J. (Certified for Publication.)

A121696 – The People, v. Robert Jerome Conerly.

The sentence is modified to strike the four prior term sentence enhancements imposed under Penal Code section 667.5, subdivision (b). The trial court is directed to prepare an amended abstract of judgment in accordance with this disposition and deliver it to the Department of Corrections and Rehabilitation. Except as so modified, the judgment is affirmed. McGuiness, P.J., We Concur: Siggins, J., Jenkins, J. (Certified for Partial Publication.)

Division Four

⁵³ Retired judge of the Superior Court of Marin County assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

A119401 – The People, v. Andre Lafayette Stevens.

The judgment is affirmed. Sepulveda, J., We Concur: Ruvolo, P.J., Rivera, J. (Not for Publication.)

A124185 – The People, v. Vicki Lee Anders.

The judgment is affirmed. Sepulveda, J., We Concur: Ruvolo, P.J., Reardon, J. (Not for Publication.)

A120293 – The People, v. Gregory Allen Cannedy.

Friday, July 31, 2009(Continued)

The order recusing the district attorney's office is reversed and the matter is remanded to the trial court for action consistent with this opinion. Sepulveda, J., I Concur: Reardon, Acting P.J., I Concur in the result: Rivera, J. (Not for Publication.)

A123047 – The People, v. Paul Vernon Stender.

Judgment affirmed. Reardon, J., We Concur: Ruvolo, P.J., Rivera, J. (Not for Publication.)

A120424 – The People, v. Qi Xin Kuang.

The judgment is affirmed. Rivera, J., We Concur: Ruvolo, P.J., Reardon, J. (Not for Publication.)

Division Five

A118798 – The People, v. Kimiko Kimio Wilson.

The judgment is affirmed. Bruiniers, J., We Concur: Simons, Acting P.J., Needham, J. (Not for Publication.)

A122630 – David Paland, v. Brooktrails Township Community Services District Board of Directors.

The judgment is affirmed. Paland shall pay the District's costs on appeal. Bruiniers, J., We Concur: Simons, Acting P.J., Needham, J. (Certified for Publication.)

A121512 – The People, v. Felipe Ramirez Valle.

The judgment is affirmed. Bruiniers, J., We Concur: Jones, P.J., Simons, J. (Not for Publication.)